

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1008 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DHIRENBHAI VORA

Versus

STATE OF GUJARAT

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Appearance:

MR DAXESH T DAVE for Petitioners

MR.SR DIVETIYA APP for Respondent No. 1

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CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 14/03/96

ORAL JUDGEMENT

Rule. Mr.S.R.Divetiya, Learned APP waives the service of Rule.

In the facts and circumstances of the case, the matter is finally heard today.

The petitioners who are the officers of Gujarat State Financial Corporation, a corporation duly incorporated under the provisions of State Financial

Corporation, 1951, have prayed for necessary direction with regard to their arrest by Navrangpura Police in connection with Atrocity Case No.23 of 1995 and in M.Case No. 26 of 1995 registered with the said Police Station.

The prayer as is made by the petitioners would in other words be to grant anticipatory bail to the petitioners in respect of the offences with which the petitioners are charged. It appears, prima facie from the documentary evidence produced on behalf of the petitioners on record, that the original complainant had sought some financial assistance and there being some dispute, a complaint for the offence under sections. 294, 506(1) and 114 of Indian Penal Code and for the offence under section 3(1)(10) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, has been filed by the aforesaid complainant in the court of the Special Judge of the City Sessions Court at Ahmedabad. Considering contents of the complaint, it is too earlier to say at this stage that the petitioners intentionally instigated or insulted the present complainant who is said to be scheduled caste person in any place within public view; however said part will be properly determined at the time of trial. Sec.18 of the said Act contemplates that the provisions relating to grant of Anticipatory Bail under section 438 of the code of Criminal Procedure will not apply to the persons committing an offence under the said Act and as such the application of the petitioners, in respect of grant of Anticipatory Bail, cannot be entertained. However Mr.D.T.Dave, learned advocate appearing for the petitioners submits that the petitioners are prepared to make necessary regular bail application before concerned Special Judge, if the petitioners are treated to have surrendered and be treated as in judicial custody. In the facts and circumstances of the case, submission of Mr.Dave is to be accepted.

In the facts and circumstances of the case, the petitioners, on their making necessary application for regular bail within one week from today, learned Special Judge of the City Sessions Court at Ahmedabad shall deal with the said proposed bail application on merits and in accordance with law and till disposal of such application, the petitioners be treated as having surrendered and further be treated in judicial custody. With this observation, the application stands disposed of. Rule is discharged.

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